

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

CLAUDIA GARCIA, et al.

Plaintiffs,

vs.

BOYAR & MILLER, PC, et al.

Defendants.

Civil Action No. 3:06-CV-1936-O
(Consolidated with
Civil Action No. 3:06-CV-1937-O,
Civil Action No. 3:06-CV-1938-O,
Civil Action No. 3:06-CV-1939-O,
Civil Action No. 3:06-CV-2241-O,
Civil Action No. 3:06-CV-2177-O,
Civil Action No. 3:06-CV-2236-O,
Civil Action No. 3:06-CV-2206-O, and
Civil Action No. 3:07-CV-0984-O)
And,
Civil Action No. 4:06-CV-03374
(originally removed to the Southern
District of Texas

“ECF DESIGNATED CASE”

[Judge Reed O'Connor]

STIPULATION OF DISMISSAL OF ALL REMAINING CLAIMS AND PARTIES

Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), all Plaintiffs in all of these consolidated cases, and Defendant Boyar & Miller, P.C.¹, file this stipulation of dismissal asking the Court to dismiss *with prejudice* all claims asserted or which would have been asserted in these cases against Defendant, Boyar & Miller, P.C.

1. All Plaintiffs, except Juan Ortega, have reached a confidential settlement agreement with Defendant Boyar & Miller, P.C. All Plaintiffs request dismissal of this suit with prejudice against Defendant Boyar & Miller, P.C.

¹ Boyar & Miller, P.C. is the only remaining party defendant in these consolidated cases.

2. Juan Ortega, at one time a named-Plaintiff in these consolidated cases, subsequently filed an individual lawsuit against other parties related to his original claims in these consolidated cases. That subsequent matter has since been dismissed with prejudice. *See* Docket No. 33 in Civil Action No. 3:08-CV-0613-O-BD. Ortega also sought a voluntary dismissal of his claims in these consolidated matters, which was denied subject to a then-pending motion to remand. *See* Docket No. 183 in Civil Action No. 3:06-CV-1936-O-BD. However, Juan Ortega is not a named party in the Plaintiffs' live pleading in these consolidated cases. To be certain and avoid any ambiguities, Juan Ortega no longer desires to remain a party in this consolidated lawsuit and is not a party to the confidential settlement agreement. Juan Ortega and Defendant Boyar & Miller, P.C. request that this Court dismiss all claims asserted or that could have been asserted by Juan Ortega against Boyar & Miller, P.C. with prejudice and order that all attorneys' fees and costs in the trial court shall be borne by the party or parties incurring same.
3. Defendant Boyar & Miller, P.C. agrees to the dismissal, with prejudice.
4. The dismissal is with prejudice.
5. Plaintiffs shall not recover any costs from Boyar & Miller, P.C. and Boyar & Miller, P.C. shall not recover any costs from Plaintiffs.
6. This dismissal completely resolves these consolidated cases, leaving no further claims or parties to be adjudicated.

Respectfully submitted,

/s/ Stanley D. Broome

STANLEY D. BROOME

Texas State Bar No. 24029457

BROOME BOBO, LLP

105 Decker Court, Ste. 850

Irving, TX 75062

214-574-7500

214-574-7501-Fax

ATTORNEY FOR PLAINTIFFS and
JUAN ORTEGA

/s/ William D. Cobb, Jr.

WILLIAM D. COBB, JR.

Texas Bar No. 04444150

MICHAEL C. SMITH

Texas Bar No. 24013533

COBB MARTINEZ WOODWARD PLLC

1700 Pacific Avenue, Suite 4545

Dallas, Texas 75201

(214) 220-5209

(214) 220-5259 (Fax)

wcobb@cobbmartinez.com

msmith@cobbmartinez.com

ATTORNEYS FOR BOYAR & MILLER,
P.C.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been served on counsel as indicated below in accordance with the Federal Rules of Civil Procedure on this _____ day of November, 2009. In addition, the foregoing document was electronically filed with the clerk of the court for the United States District Court, Northern District of Texas, using the electronic case filing system of the court. The electronic case filing system sent a "Notice of Electronic Filing" to those attorneys of record who have consented in writing to accept this Notice as service of this document.

William D. Cobb, Jr.
Michael C. Smith
Cobb Martinez Woodward PLLC
1700 Pacific Avenue, Suite 4545
Dallas, Texas 75201
Attorneys for Defendant
Boyar & Miller, P.C.

/s/ Stanley D. Broome
STANLEY D. BROOME